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Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[05 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights situation in Tibetan regions under People's Republic of China (PRC)

Torture Rampant – Poor health and death after release

In 1988, PRC ratified the Convention Against Torture (CAT), however, Tibetans continued to be tortured, arrested without proper reason, and sent to detention centres without due process. According to TCHRD's[1] figures, 87 prisoners were tortured and died either in detention or shortly after their release between 1987 and early 2005.

Other NGOs have also documented widespread use of torture, ill treatment and coercion of Tibetans in detention. Some cases point to the use of torture to extract confessions from the detainees. For instance, on 31 January 2013 two Tibetan men, Lobsang Konchok, age 41, a monk at Kirti Monastery, and his nephew Lobsang Tsering, age 31 and former monk, were sentenced to death with two years' reprieve and to 10 years in prison respectively on charges of incitement to homicide in connection with self-immolation protests. The verdict relied on the confessions they gave during their five-month detention, when the use of torture is common.

TCHRD has also reported that during 2013 many Tibetans have been released from jail in extremely poor health conditions and some are death. Among them were:

1. Ngawang Jampel, age 45, from the Tarmoe Monastery: on 17 December 2013, Chinese policemen in Driru (Chinese: Biru) County of Nagchu Prefecture, Tibet Autonomous Region, have beaten him to death less than a month after they had taken him into custody and rendered him disappeared; the police quickly delivered the body of the deceased monk to his family and warned them against speaking about the death.

2. Geshe Sonam Phuntsok, 48-year old, a former political prisoner, had spent five years in prison for his religious activities and for conducting a long life prayer ceremony for the Dalai Lama in October 1999. He passed away on 5 April 2008 in Kardze after a prolong battle with multiple illnesses following a lengthy imprisonment and maltreatment in the prison; he was hospitalized after spending five years in prison. His treatment in prison left his body broken and he died less than three and a half years after his release.

3. Tsultrim Kalsang, age 26, a monk from Nyatso Zilkar Monastery was detained along four other fellow monks by Chinese security forces in 2012. In 2013, he was hospitalized for months due to the injuries suffered during detention, where he was severely beaten and tortured.

4. Two Tibetan monks, Lobsang Ngodup, age 34, and Soepa, age 35, were released on 10 March 2013, after suffering torture in jail. Lobsang Ngodup had to be hospitalized right after his release and Soepa is reported to have lost mental stability as a result of the torture.

5. Jigme Gyatso was released on 3 April 2013 after spending 17 years in prison. During his imprisonment he was subjected to electrocution with electric batons and brutal beatings. Even after his release, he continues to suffer from weak eyesight, heart complications, kidney disorder and difficulty walking.

6. Yonten Sangpo, age 34, was detained in February 2012 and released on 21 April 2013 in extremely poor health due to mistreatment by Chinese police officers during his arrest and detention. He has difficulty in speaking due to a gunshot wound in his jaw and movement restrictions caused by an injury to his spine.

7. Lodroe Gyatso was released on 2 May 2013 in poor health caused by ill-treatment in prison after completing a 21-year jail term in a Chushul prison near Lhasa.

8. Sonam Rinchen, age 37, was detained and disappeared in February 2012 when protesting against Chinese policies in Drango County. He was released on 24 July 2013 in poor health conditions due to abuse endured in police custody.

[1] Tibetan Centre for Human Rights and Democracy

9. Shedrub Lhamo, age 40, nun at Ganden Choeling Nunnery, was released from jail on 24 August 2013 after being tortured while in custody.

In November 2013, Chinese Supreme Court issued an order prohibiting the use of torture to extract confessions, specifying that using "freezing, starving, extreme heat, fire branding or extreme exhaustion" to extract confessions is considered torture and, therefore, illegal.

However, the Chinese officials' mistreatment of Tibetans during interrogation and detention is not uncommon: beatings with rifles and electric batons, the use of torture techniques like the "Tiger Chair" and the "Death Bed" and solitary confinement for months are frequent practices in jail.

Restriction on freedom of Expression - Heavy Crackdown on Tibetan intellectuals

As part of Chinese officials' campaign to silence any criticism over government actions, a major crackdown on Tibetan citizen journalists, writers and artists was launched. Many of them have been harassed, detained and imprisoned after informing on human rights situation in Tibet regions, writing books on self-immolations, denouncing Chinese policies in the TAR region or even singing traditional Tibetan songs. In this regard, TCHRD had documented the Chinese authorities' crackdown on the following Tibetan journalists, writers, intellectuals, artists and activists during 2013:

- in February 2013, new information revealed that the disappeared poet Lobsang Namgyal aka "Sangmig", age 26, was secretly detained and disappeared around mid-May 2012. He is now being held at a detention centre in Chengdu; no formal charges have been pressed against him;

- on 23 February 2013, singer Lolo was sentenced to 6 years in prison for the release of a music album in 2012 that contained songs, including the popular and well-known "Raise the Tibetan Flag, Children of Snowland";

- on 8 March 2013, writer, blogger and activist Tsering Woeser, held under house arrest in Beijing, was prevented from travelling to the US to receive the 2013 International Women of Courage Award, granted by the US State Department. After the announcement of the award, Woeser's movements were further restricted and monitored;

- on 14 May 2013, writer and monk Gartse Jigme, age 36, was sentenced to 5 years in prison in Malho (Chinese: Huangnan) Tibetan Autonomous Prefecture, Qinghai Province, for his book on several issues dealing with Tibet including self-immolations;

- in June 2013, singers Pema Trinley, age 32, and Chakdor, age 32, were secretly sentenced to 2 years in prison in Ngaba (Ch: Aba) County in Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan Province. Both singers had recorded and distributed a music DVD containing songs on the current situation of Tibet as well as songs of praise of the Dalai Lama, Panchen Lama and some political exiled leaders;

- on 14 July 2013, singer KelsangYarphel, age 37, was detained in Lhasa on suspected charge of "singing a politically subversive song" (Bhodpa Tso "Fellow Tibetans") at a concert in November 2012[2];

- around August 2013, singer Shawo Tashi was secretly sentenced to 5 years in prison on the charges of "distributing photographs of self-immolation protesters; helping to write last notes left by self-immolation protesters; participating in protests against Chinese government, and singing patriotic Tibetan songs";

- in August 2013, writer Gangkye Drupa Kyab was sentenced to 5½ years in prison for allegedly engaging in political activities in Nyagchu (Chinese: Yajiang) County in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture, Sichuan Province, he was arbitrarily detained in 2012 and has been held incommunicado since then.

[2] Chinese authorities subsequently banned and confiscated DVDs of the concert

- on 28 October 2013, nomad and writer Topden aka Dro Ghang Gah was arrested in Shagchu (Chinese: Xiaqu) town in Diru (Chinese: Biru) County, Nagchu (Chinese: Naqu) Prefecture along with other eight Tibetans; on 30 November 2013, he was sentenced to five years in prison for "keeping contacts with Dalai's clique and for engaging in activities to split the nation";

- in November 2013, singers Trinley Tsekar, age 22, and Gonpo Tenzin, age 25, were arbitrarily arrested in two separate incidents in Diru County: the formal charges against them were unknown, but sources pointed to their songs containing lyrics calling for the defence and promotion of Tibetan identity and cultural heritage; on 19 December 2013, Trinley Tsekar and two other Tibetans, Choekyap and Tselha, were sentenced by the County People's Court in Diru to varying jail, on charges related to "separatist activities"; at the time of writing there is no information regarding Gonpo Tenzin's status.

Recommendations

MRAP urges the People's Republic of China:

- to immediately ratify the International Covenant on Civil and Political Rights (ICCPR), which the PRC signed in 1998;

- to sign and ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- to end torture and ill-treatment of suspects, make police officers and officials accountable for human rights violations, and guarantee proper conditions for prisoners, especially access to adequate food and health care;

- to schedule an early date of visit by the Special Rapporteur on Religious freedom who has invitation since 2004 and accepts other twelve SP mandate holders who requested for a visit;

- to restore and protect the right of all writers, journalists, and bloggers in China to exercise their right to freedom of expression as guaranteed by the Chinese constitution and Article 19 of the ICCPR;

- to immediately release all people arbitrarily detained including protesters, monks and nuns, political dissidents, journalists, writers, artists, and activists and inform their families of their whereabouts and allow visits.